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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,171	03/13/2000	Richard A. Baker	SAA-34	6208

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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/524,171	BAKER, RICHARD A.
	Examiner	Art Unit
	Dustin Nguyen	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 July 2003* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .	6)☐ Other: .

DETAILED ACTION

1.   Claims 1 – 20 are presented for examination.

Oath/Declaration

2.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

> The oath or declaration filed on 06/26/2003 is defective because: Claiming priority of
> application 09/927,005, which is different from application 08/927,005 as mentioned in
> the disclosure.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for

omitting essential elements, such omission amounting to a gap between the elements. See MPEP

§ 2172.01. The omitted element is: "wherein the programming package further" because "the

programming package" is not defined anywhere of which claim 4 depends on.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 3-9, 11, 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gosling [US Patent No 6,618,754], in view of Lewis et al. [US Patent No 5,812,394].

6.   As per claim 1, Gosling discloses the invention substantially as claimed including a

system for programming application programs controlling a programmable logic controller from

a communication network, comprising:

an interface module for coupling the programmable logic controller to the

communication network [110a, 110b, 110c, Figure 1; and col 4, lines 24-41];

at least one Web page resident in the programmable logic controller, the Web page linked

to the program editor [col 7, lines 48-col 8, lines 4];

wherein the Web page is accessible to a user at a remote location using a web browser

coupled to the communication network through the interface module [320, Figure 6; and col 11,

lines 64-col 12, lines 17];

wherein the Web page allows the user at the remote location to access the program editor

to edit the application programs controlling the programmable logic controller [col 6, lines 24-

39; and col 7, lines 25-41].

Gosling does not specifically disclose

a program editor resident in the programmable logic controller, the program editor for

creating and editing the application programs.

Lewis discloses a system having

a program editor resident in the programmable logic controller, the program editor for creating and editing the application programs [Figure 2, Figure 8; and col 15, lines 50-60].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Gosling and Lewis because Lewis's teaching of program editor would provide a development system that unifies all the configuration information and other data required to produce a control application [Lewis, col 12, lines 17-22].

7.   As per claim 3, Gosling discloses the application programs are viewed on a web browser through either Java or HTML [col 1, lines 46-57]. Gosling does not specifically disclose converted by the programming editor. Lewis discloses converted by the programming editor. It would have been obvious [Figure 20; and col 63, lines 15-22]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Gosling and Lewis because Lewis's teaching of editor would provide a control scheme development tool that graphically expresses a process operation and thus emulates traditional design drawings [Lewis, col 12, lines 27-32]

8.   As per claim 4, Gosling does not disclose the programming packages further includes symbol editors and language editors and wherein all symbols are stored within the programmable logic controller, allowing any authorized personal computer coupled to the communication network to edit the application programs. Lewis discloses the programming packages further includes symbol editors [col 18, lines 13-16] and language editors [col 4, lines 1-35] and wherein all symbols are stored within the programmable logic controller [col 11, lines 5-14],

allowing any authorized personal computer coupled to the communication network to edit the

application programs [col 95, lines 16-27]. It would have been obvious to a person skill in the

art at the time the invention was made to combine the teaching of Gosling and Lewis because

Lewis' teaching of editors would provide a control system that reduces engineering development

time for control system configuration [Lewis, col 11, lines 51-57].

9.   As per claim 5, Gosling discloses the interface module includes

        a real time operating system operating a central processing unit [116.1, Figure 2],

        a network interface for communicating with the communication network [118a, 118b,

Figure 1],

        a driver for communicating with the programmable logic controller [col 8, lines 52-56];

        a protocol stack [col 1, lines 30-33],

        a client task for communicating with the protocol stack for initiating received requests [

col 1, lines 65-col 2, lines 1],

        a server task for communicating with the protocol stack for responding to receive

requests [col 2, lines 1-5],

        a protocol task for communicating with the protocol stack for receiving and responding to

protocol stack requests [col 1, lines 58-col 2, lines 10].

10.   As per claim 6, Gosling discloses the communication network is a world-wide network

known as the internet using an Internet Protocol (IP) [col 1, lines 30-33 and lines 45-57].

11.   As per claim 7, Gosling discloses the interface module functions as a web site on the

internet [310a, 310b, Figure 6], the interface module including a global IP address [col 4, lines

11-14].

12.   As per claim 8, Gosling discloses the protocol stack is a Transmission Control Protocol

stack [col 1, lines 30-33], and wherein the protocol task includes a server task using a hypertext

transport protocol (HTTP) task to deliver hypertext documents to the network interface [col 2,

lines 1-5].

13.   As per claim 9, Gosling discloses the HTTP task accepts a connection, parses an HTTP

request [col 3, lines 13-23], and calls the real time operating system to process the request [col

5, lines 25-34].

14.   As per claims 11, 13-19, they are rejected for similar reasons as stated above in claims 1,

3-9.

15.   Claims 2, 10, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gosling [US Patent No 6,618,754], in view of Lewis et al. [US Patent No 5,812,394], and

further in view of Azarya et al. [US Patent No 5,978,578].

16.   As per claim 2, Gosling discloses the application programs are viewed as files within the

programmable logic controller [col 7, lines 25-31]. Gosling and Lewis do not specifically

disclose accessible to the communication network using a standard File Transfer Protocol.

Azarya discloses accessible to the communication network using a standard File Transfer

Protocol [col 16, lines 2-6]. It would have been obvious to a person skill in the art at the time

the invention was made to combine the teaching of Gosling, Lewis and Azarya because Azarya's

teaching of file transfer would provide a standard for information to be transfer between devices

faster and more efficiency.

17.   As per claim 10, Gosling and Lewis do not specifically disclose a dual TCP/IP stack for

data transferring comprising a first stack capable of handling a broad range of TCP/IP messages

and a second stack capable of handling a less broad range of TCP/IP messages more quickly than

the first stack. Azarya discloses a dual TCP/IP stack for data transferring comprising a first stack

capable of handling a broad range of TCP/IP messages and a second stack capable of handling a

less broad range of TCP/IP messages more quickly than the first stack [col 8, lines 28-36; and

col 11, lines 63-col 12, lines 8]. It would have been obvious to a person skill in the art at the

time the invention was made to combine the teaching of Gosling, Lewis and Azarya because

Azarya's teaching would allow the system to capable handle messages of different size for

increasing system performance.

18.   As per claim 12, it is rejected for similar reasons as stated above in claim 2.

19.   As per claim 20, it is rejected for similar reason as stated above in claim 10.

20.   Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

21.   A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100